

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION
2:06CR2**

UNITED STATES OF AMERICA)	
)	
Vs.)	ORDER
)	
LEONARD PARKER.)	
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THIS MATTER is before the court upon the government's Motion for Discovery made in accordance with Rule 16(b)(1)(B) & (C), which is based on defendant's notice of reliance on a defense of insanity as well as this court's allowance of funds for retention of an expert. Those rules provide in relevant part, as follows:

(B) Reports of Examinations and Tests.

If a defendant requests disclosure under Rule 16(a)(1)(F) and the government complies, the defendant must permit the government, upon request, to inspect and to copy or photograph the results or reports of any physical or mental examination and of any scientific test or experiment if:

- (i) the item is within the defendant's possession, custody, or control; and
- (ii) the defendant intends to use the item in the defendant's case-in-chief at trial, or intends to call the witness who prepared the report and the report relates to the witness's testimony.

(C) Expert Witnesses.

The defendant must, at the government's request, give to the government a written summary of any testimony that the defendant intends to use under Rules 702, 703, or 705 of the Federal Rules of Evidence as evidence at trial, if --

* * *

- (ii) the defendant has given notice under Rule 12.2(b) of an intent to present expert testimony on the defendant's mental condition.

This summary must describe the witness's opinions, the bases and reasons for those opinions, and the witness's qualifications[.]

Fed.R.Crim.P. 16. Finding that good cause exists for requiring such discovery, the court enters the following Order.

ORDER

IT IS, THEREFORE, ORDERED that the government's Motion for Discovery (#75) is **ALLOWED**, and defendant through counsel shall produce the requested materials not later than January 19, 2007, and shall further supplement such production as provided by Rule 16.

Signed: January 8, 2007



Dennis L. Howell
United States Magistrate Judge

